## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|------------------------------|
| n/re U.S. Patent Application:                           | ) | Before the Examiner          |
| Ayre U.S. Patent Application:<br>Lukas Eisermann et al. | ) | Eduardo C. Robert            |
|   | ) |                              |
| Application No. 10/042,589                              | ) | Group Art Unit 3738          |
|   | ) |                              |
| Filed January 9, 2002                                   | ) | Our Ref.: 4002-2802/PC635.00 |
|   | ) |                              |
| INTERVERTEBRAL PROSTHETIC                               | ) | June 6, 2003                 |
| JOINT   | ) |                              |

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure in accordance with 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items of information listed on the enclosed Information Disclosure Citation Form. This information has not been previously submitted in this application, and has not been cited previously by the Examiner. Copies of the cited items are enclosed in accordance with 37 C.F.R. § 1.98.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 6, 2003

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Brad A. Ichepers

Name of Registered/Representative

June 6, 2003

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The identified information, taken alone or in combination with other art, may provide information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

This Statement is being submitted under 37 CFR 1.97(b) prior to receipt of a first Office Action on the merits. Additionally, each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a related foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement. Accordingly, it is believed that no fee is due. However, should any additional fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

espectfully submitted

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

1 of 1

|                        | Complete if Known  |              |
|------------------------|--------------------|--------------|
| Application Number     | 10/042,589         |              |
| Filing Date            | January 9, 2002    |              |
| First Named Inventor   | Lukas Eisermann    |              |
| Group Art Unit         | 3738               |              |
| Examiner Name          | Eduardo C. Robert  |              |
| Attornev Docket Number | 4002-2802/PC635.00 | <del> </del> |

| U.S. PATENT DOCUMENTS  |   |  |            |  |  |
|--|---|--|------------|--|--|
| Examiner Initials* Cite No.1 Document Number No.1 Number-Kind Code² (If known) |   | Publication Date Name of Patentee or Application of Cited Document |            | Pages, Columns, Lines where<br>Relevant Passages or Relevant<br>Figures Appear |  |
|  | 1 | 5,556,431  | 09/17/1996 | Buttner-Janz   |  |
|  | 2 | 6,111,164  | 09/29/2000 | Rainey et al.  |  |
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| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Application of Cited<br>Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear | Τ⁴ |
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|                       | 3                        | WO 01/64142 A1   | 09/07/2001                     | Cauthen   | 0   |    |
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|   | Examiner<br>Signature | Date<br>Considered |  |

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